

8 quire; and where circumstances permit, make any part of the area
 9 redeemed and acquired suitable for sites for public buildings. The
 10 acts of said commission so far as the same may affect city parks,
 11 theretofore under the jurisdiction of the park commissioners or ad-
 12 ditions acquired thereto, shall be subject to the approval of the board
 13 of park commissioners.

[C. C. 3708.]

Approved March 22, A. D. 1923.

CHAPTER 260

PUBLIC COMFORT STATIONS

H. F. 162

AN ACT to amend, revise and codify section three thousand seven hundred thirty (3730) of the compiled code of Iowa, relating to municipal corporations.

Be it enacted by the General Assembly of the State of Iowa:

That section three thousand seven hundred thirty (3730) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 SECTION 1. Public comfort stations. Any town of one thousand
 2 (1,000) or more inhabitants and any city of less than twenty-five
 3 thousand (25,000) inhabitants may establish and maintain one (1)
 4 public comfort station. Any city of more than twenty-five thousand
 5 (25,000) inhabitants and less than fifty thousand (50,000) may estab-
 6 lish and maintain two (2) public comfort stations, and any city of
 7 over fifty thousand (50,000) inhabitants may establish and maintain
 8 three (3) public comfort stations.

[C. C. 3730, modified.]

Approved February 15, A. D. 1923.

CHAPTER 261

POLICEMEN'S AND FIREMEN'S PENSION FUNDS

S. F. 181

AN ACT to amend, revise, and codify sections four thousand eighty-nine (4089) to four thousand ninety-two (4092), inclusive, four thousand ninety-four (4094) to four thousand one hundred (4100), inclusive, and four thousand one hundred two (4102) to four thousand one hundred five (4105), inclusive, of the compiled code of Iowa, and sections four thousand ninety-three (4093) and four thousand one hundred one (4101) of the supplement to said code, relating to municipal corporations.

Be it enacted by the General Assembly of the State of Iowa:

That sections four thousand eighty-nine (4089) to four thousand ninety-two (4092), inclusive, four thousand ninety-four (4094) to four thousand

one hundred (4100), inclusive, and four thousand one hundred two (4102) to four thousand one hundred five (4105), inclusive, of the compiled code of Iowa, and sections four thousand ninety-three (4093) and four thousand one hundred one (4101) of the supplement to said code are amended, revised, and codified to read as follows:

1 **SECTION 1. Tax for policemen's and firemen's pension funds.** Any
2 city or town having an organized fire department may, and all cities
3 having an organized police department or a paid fire department shall
4 levy annually a tax not to exceed one-half ($\frac{1}{2}$) mill for each such
5 department, for the purpose of creating firemen's and policemen's
6 pension funds; cities operating under city manager and having a
7 population exceeding thirty-five thousand (35,000), may levy an
8 additional tax not to exceed one mill for each such department for
9 such purpose. All moneys derived from each tax so levied, and all
10 moneys received as membership fees and dues, and all moneys re-
11 ceived from grants, donations, and devises for the benefit of each fund
12 shall constitute separate funds, to be known and designated as a
13 policemen's pension fund and a firemen's pension fund.

[C. C. 4089, 4097.]

1 **SEC. 2. Boards of trustees—officers.** The chief officer of each de-
2 partment, with the city treasurer and the city solicitor or attorney
3 of such cities or towns shall be ex officio members of and shall con-
4 stitute separate boards of trustees for the management of each fund.
5 The chief officer of the department shall be president and the city
6 treasurer treasurer of such boards, and the faithful performance of
7 the duties of the treasurer shall be secured by his official bond as city
8 treasurer. Such trustees shall not receive any compensation for their
9 services as members of said boards.

[C. C. 4089, 4090, 4097, 4098.]

1 **SEC. 3. Investment of surplus.** The boards shall have power to
2 invest any surplus left in such funds, respectively, at the end of the
3 fiscal year, but no part of the funds realized from any tax levy shall
4 be used for any purpose other than the payment of pensions. Invest-
5 ments shall be limited to interest-bearing bonds of the United States,
6 of the state of Iowa, of any county, township, or municipal corpora-
7 tion of the state of Iowa. All such securities shall be deposited with
8 the treasurer of the boards of trustees for safe-keeping.

[C. C. 4091, 4099.]

1 **SEC. 4. Gifts, devises or bequests.** Each board may take by gift,
2 grant, devise, or bequest, any money or property, real or personal, or
3 other thing of value for the benefit of said funds. All rewards in
4 moneys, fees, gifts, or emoluments of every kind or nature that may
5 be paid or given to any police or fire department or to any member
6 thereof, except when allowed to be retained or given to endow a medal
7 or other permanent or competitive reward on account of extraordinary
8 services rendered by said departments or any member thereof, and all
9 fines and penalties imposed upon members shall be paid into the said
10 pension fund and become a part thereof.

[C. C. 4092, 4100.]

1 **SEC. 5. Membership fee—assessments.** Every member of said de-
2 partments shall be required to pay to the treasurer of said funds a
3 membership fee to be fixed by the board of trustees, not exceeding
4 five dollars (\$5.00), and shall also be assessed and required to pay
5 annually an amount equal to one per cent (1%) per annum upon the
6 amount of the annual salary paid to him, which assessment shall be
7 deducted and retained in equal semiannual installments out of such
8 salary.

[C. C. 4092, 4100.]

1 **SEC. 6. Who entitled to pension—conditions of retirement.** Any
2 member of said departments who shall have served twenty-two (22)
3 years or more in such department, and shall have reached the age of
4 fifty (50) years; or who shall while a member of such department
5 become mentally or physically permanently disabled from discharging
6 his duties, shall be entitled to be retired, and upon retirement shall
7 be paid out of the pension fund of such department a monthly pension
8 equal to one-half ($\frac{1}{2}$) the amount of salary received by him monthly
9 at the date he actually retires from said department. If any member
10 shall have served twenty-two (22) years in said department, but shall
11 not have reached the aged of fifty (50) years, he shall be entitled to
12 retirement, but no pension shall be paid while he lives until he reaches
13 the age of fifty (50) years.

[S. C. C. 4093, 4101.]

1 **SEC. 7. Disability—how contracted.** No member who has not
2 served five (5) years or more in said department shall be entitled to
3 be retired and paid a pension under the provisions of this chapter,
4 unless such disability was contracted while engaged in the perform-
5 ance of his duties, or by reason of following such occupation. The
6 question of disability shall be determined by the trustees upon the
7 advice of a physician appointed by the board of trustees for that
8 purpose. After any member shall become entitled to be retired, such
9 right shall not be lost or forfeited by discharge or for any other reason
10 except conviction for felony.

[S. C. C. 4093, 4101.]

1 **SEC. 8. Retired members may be assigned for light duty.** The
2 chief of the police department, and the chief of the fire department
3 of such city, may assign any member of such departments, respec-
4 tively, retired or drawing pensions under the provisions of this chap-
5 ter, to the performance of light duties in such department.

[S. C. C. 4093, 4101.]

1 **SEC. 9. Pensions—widow—children—dependents.** Upon the death
2 of any acting or retired member of such departments, leaving a widow
3 or minor children, or dependent father or mother surviving him,
4 there shall be paid out of said fund as follows:

- 5 1. To the surviving widow, so long as she remains unmarried and
6 of good moral character, thirty dollars (\$30.00) per month.
- 7 2. If there be no surviving widow, or upon the death or remarriage
8 of such widow, then to his dependent father and mother, if both sur-
9 vive, or to either dependent parent, if one survives, thirty dollars
10 (\$30.00) per month.

11 3. To the guardian of each surviving child under sixteen (16)
12 years of age, eight dollars (\$8.00) per month.

13 The aggregate of all such payments shall not exceed one-half ($\frac{1}{2}$)
14 of the amount of the salary of such member at the time of his death
15 or retirement.

[S. C. C. 4093, 4101.]

1 SEC. 10. **Exemption.** All pensions paid under the provisions of
2 this chapter shall be exempt from liability for debts of the person to
3 or on account of whom the same is paid, and shall not be subject to
4 seizure upon execution or other process.

[S. C. C. 4093, 4101.]

1 SEC. 11. **Applicable to volunteer or call firemen.** The provisions
2 of this chapter shall apply to volunteer or call members of a paid fire
3 department, but the amount of pension to be paid to such members
4 shall be determined by the board of trustees.

[S. C. C. 4093.]

1 SEC. 12. **Re-examination of retired members.** The board of trus-
2 tees of each department shall have power, at any time, to cause any
3 member of such department retired by reason of physical or mental
4 disability to be brought before it and again examined by competent
5 physicians for the purpose of discovering whether such disability yet
6 continues and whether such retired member should be continued on
7 the pension roll, and shall have power to examine witnesses for the
8 same purpose. Such member shall be entitled to reasonable notice
9 that such examination will be made, and to be present at the time
10 of the taking of any testimony, shall have the right to examine the
11 witnesses brought before the board and to introduce evidence in his
12 own behalf. All witnesses shall be examined under oath, which may
13 be administered by any member of such board.

[C. C. 4094, 4102.]

1 SEC. 13. **Decision of board.** The decision of such board upon such
2 matters shall be final and conclusive, in the absence of fraud, and no
3 appeal shall be allowed therefrom. Such disabled member shall remain
4 upon the pension roll unless and until reinstated in such department
5 by reason of such examination.

[C. C. 4094, 4102.]

1 SEC. 14. **Provisions subject to alteration.** The provisions of this
2 chapter shall be, at all times, subject to alteration or change, and all
3 persons claiming benefits under the provisions of this chapter shall
4 be entitled to receive only such benefits as provided by law at the
5 time such benefits shall accrue.

[C. C. 4095, 4103.]

1 SEC. 15. **Moneys drawn—how paid—report.** All pensions paid and
2 all moneys drawn from the pension fund under the provisions of this
3 chapter shall be upon warrants signed by the appropriate board of
4 trustees, which warrants shall designate the name of the person and
5 the purpose for which payment is made. The treasurer shall prepare
6 annually, immediately after the first day of January, and file with
7 the city clerk a report for each fund of the receipts and expenditures

8 for the year ending December thirty-first of the previous year, show-
9 ing the money on hand, how invested, all moneys received and paid out.

[C. C. 4096, 4105.]

1 **SEC. 16. City marshal.** Service by any member of the police de-
2 partment as city marshal shall not deprive him of any rights under
3 this chapter. In any matter in which said city marshal shall be
4 individually interested and which requires the action of the board
5 of trustees of the policemen's pension fund, he shall not act as a
6 member of said board, but the mayor of the city shall act with the
7 other two (2) trustees of the board with respect thereto. Upon the
8 termination of his term as city marshal, he shall regain the rank he
9 held in the police department at the time of his appointment as city
10 marshal.

[C. C. 4104.]

Approved April 4, A. D. 1923.

CHAPTER 262

FAILURE OF CONSIDERATION OF WRITTEN CONTRACTS

H. F. 204

AN ACT to amend, revise and codify section fifty-eight hundred ninety-seven (5897)
of the compiled code of Iowa, relating to the consideration of written contracts.

Be it enacted by the General Assembly of the State of Iowa:

That section fifty-eight hundred ninety-seven (5897) of the compiled
code of Iowa is amended, revised and codified to read as follows:

1 **SECTION 1. Failure of consideration.** The want or failure, in whole
2 or in part, of the consideration of a written contract may be shown
3 as a defense, total or partial, except as provided in the negotiable
4 instruments law.

[C. C. 5897, modified.]

Approved February 15, A. D. 1923.